

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>GARTOR KIKI BROWN,</b>	:	<b>No. 3:18-CV-01527</b>
<b>Plaintiff,</b>	:	
	:	<b>Judge Carlson</b>
<b>vs.</b>	:	
	:	<i>Electronically Filed Document</i>
<b>LT. MAXWELL, C.O. PLOCINIK,</b>	:	
<b>C.O. JOHNSTON and C.O.</b>	:	
<b>FOCHTMAN,</b>	:	<i>Complaint filed 08/01/18</i>
<b>Defendants</b>	:	

**BRIEF IN OPPOSITION TO PLAINTIFF’S**  
**MOTION FOR AN EXTENSION OF TIME TO**  
**FILE A CERTIFICATE OF MERIT**

By Order dated July 27, 2022, the Court directed Defendants, Maxwell, Plocinik, Johnston, and Fochtman, to respond to Plaintiff’s motion seeking an extension of time to file a certificate of merit. (Doc. 196).

Plaintiff’s motion seeks an extension of time to file a certificate of merit as to defendants Price and Emigh. (Doc. 195 at 1). Only Price was previously named in this action; she was terminated as a defendant on November 28, 2018. Emigh has never been named in this civil action. Also, in his motion, Plaintiff references an Order by the Court which was dated July 14, 2022, which allegedly granted Defendants summary judgment, in part. *Id.* However, the relevant Order in this civil action that had granted in part and denied in part the Defendants’ summary judgment motion was dated March 16, 2021. (Doc. 137).

Plaintiff has at least one other pending lawsuit. Defendants believe that Plaintiff mistakenly used the docket number for this civil action on his filing instead of his intended number and that he had intended to file the motion in another case in this district – No. 19-cv-839. A review of that docket reflects defendants named Price and Emight as well as the fact that Judge Brann granted in part and denied in part the Defendants’ motion for summary judgment on July 14, 2022. (Doc. 113).

Finally, to the extent that Plaintiff does seek to raise new claims against new defendants in this case, he has not met his high burden to demonstrate good cause why he was unable until now, years after this action began, to request to add such claims and defendants.

Therefore, in light of the above, Defendants respectfully submit that the Court should deny the Plaintiff’s motion and direct him to refile his motion on the intended docket.

**WHEREFORE**, the Court should deny Plaintiff’s motion.

Respectfully submitted,

Office of General Counsel

/s/ Lindsey A. Bedell

Lindsey A. Bedell, Assistant Counsel

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Date: July 27, 2022

*Counsel for Defendants Maxwell, Plocinik,  
Johnston, and Fochtman*

**FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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<b>FOCHTMAN,</b>	:	<b><i>Complaint filed 08/01/18</i></b>
<b>Defendants</b>	:	

**CERTIFICATE OF SERVICE**

I, Lindsey A. Bedell, hereby certify that on July 27, 2022, I caused to be served a true and correct copy of the foregoing document titled BRIEF IN OPPOSITION TO PLAINTIFF'S MOTION FOR AN EXTENSION OF TIME TO FILE A CERTIFICATE OF MERIT to the following:

**VIA MAIL:**

Gartor Kiki Brown 094007050  
Mshannon Valley Processing Center  
555 Geo Drive  
Philipsburg, PA 16866  
*Pro Se Plaintiff*

/s/ Lindsey A. Bedell

Lindsey A. Bedell, Assistant Counsel